

Exhibit A



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON D.C., 20460

OFFICE OF CHEMICAL SAFETY
AND POLLUTION PREVENTION

Robert M. Sussman
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Dear Mr. Sussman:

Thank you for your letters regarding the Agency's determination on your petition under Section 21 of Toxic Substances Control Act (TSCA). Your petition requested that EPA require various types of health and environmental effects testing regarding 54 per- and polyfluoroalkyl substances (PFAS) purported to be manufactured by The Chemours Company (Chemours) at its chemical production facility in Fayetteville, North Carolina, and sought issuance of a rule or order under Section 4 of TSCA compelling Chemours to fund and carry out this testing under the direction of a panel of independent scientists. EPA denied that petition on January 7, 2021. On March 4, 2021, you requested that the Agency reconsider that denial and have subsequently sent additional letters in support of the request.

After reviewing your request for reconsideration, EPA has decided to grant the request. As such, EPA will review the petition denial and will endeavor to provide a response as expeditiously as possible. If EPA determines that it is appropriate to grant the petition, TSCA section 21 provides that EPA shall promptly commence an appropriate proceeding. If EPA determines it is appropriate to deny the petition, EPA will publish the reasons for such a denial in the Federal Register. This letter does not address the merits of any issue raised in the petition or foreshadow the substance of any forthcoming response, nor does it suggest a concession of error in connection with the Agency's January 7, 2021 denial.

As a general matter, TSCA does not require EPA to revisit past decisions on Section 21 petitions, and EPA does not anticipate undertaking such reconsiderations as a matter of course. The Agency's process for reviewing such petitions is robust and highly resource intensive, and the outcomes reflect careful consideration by expert career staff, counsel, and Agency leadership. EPA does, however, have inherent authority to reconsider past decisions and to revise, replace, or repeal a decision to the extent permitted by law and supported by a reasoned explanation.

In this particular instance, EPA is exercising its discretion to conduct another review of the petition denial so that it can fully explore and address the issues and concerns you raised in light of the change in administration and attendant change in policy priorities concerning PFAS. Consistent with Executive Order 13990 and other guidance provided by the Biden-Harris

Administration, EPA is conducting a broad review of past policies and decisions to ensure that they are supported by science and align with the law. The Biden-Harris Administration has also made a clear commitment to better understanding and addressing the potential risks posed by PFAS. To that end, EPA Administrator Regan has directed the EPA Council on PFAS to develop a comprehensive, multi-year plan to meet these goals and to ensure that EPA can deliver critical public health protections to the public through a dramatic enhancement of EPA's research, testing, monitoring and data collection, and regulatory efforts. Consistent with these policy directives, the Agency has determined that a review of the petition denial is appropriate in this case.

If you would like to discuss this matter further, please contact Dr. Tala Henry, Deputy Director of the Office of Pollution Prevention and Toxics, at 202-213-8880 or by email at henry.tala@epa.gov.

Sincerely,

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Michal I. Freedhoff, Ph.D.
Assistant Administrator